

Michael Delikat
James H. McQuade
Heather Glatter
ORRICK, HERRINGTON & SUTCLIFFE LLP
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 506-5000

Attorneys for Defendants Wyeth Pharmaceuticals,
a Division of Wyeth, Walter Wardrop, and
Michael McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (WCC)

**DECLARATION OF
JAMES H. MCQUADE IN SUPPORT
OF DEFENDANTS'
MOTION IN LIMINE NO. 5**

I, James H. McQuade, declare:

1. I am an attorney admitted to practice before this Court and am employed by Orrick, Herrington & Sutcliffe LLP, counsel for Defendants Wyeth Pharmaceuticals, a Division of Wyeth, Walter Wardrop, and Michael McDermott ("Defendants") in the above-entitled action. I submit this Declaration in support of Defendants' Motion in Limine No. 5.

2. On or about September 20, 2005, Plaintiff Howard Henry ("Plaintiff") filed his Complaint in New York Supreme Court, and thereafter, this action was removed to this Court. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint. Plaintiff has never sought to amend his Complaint.

3. On or about February 10, 2006, this Court issued a Civil Case Management Plan and Order providing that all discovery in this action was to be concluded by August 10, 2006. There has been no extension of this deadline.

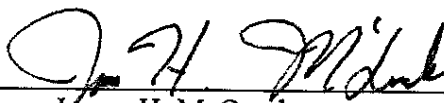
4. On or about October 30, 2006, Defendants served a motion for summary judgment against all of Plaintiff's claims. In his response to Defendants' motion for summary judgment, Plaintiff contended, among other things, that there disputed issues of material fact, but he did not contend that any of these alleged actions amounted to a constructive discharge of his employment.

5. On or about July 30, 2007, the Court issued its Memorandum Decision and Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment and Reassigning the Action to White Plains Pursuant to Local Rule 22 (the "Order"). A true and correct copy of the Order is attached hereto as Exhibit 2.

6. On or about July 30, 2007, Plaintiff filed his Proposed Jury Charge, a true and correct copy of which is attached hereto as Exhibit 3.

Executed on December 19, 2007 at New York, New York.

I declare under penalty of perjury that the foregoing is true and correct.



James H. McQuade